

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC

In the Matter of:

**RYAN INTERNATIONAL
AIRLINES, INC.**

FAA Order No. 2000-4

Served: March 3, 2000

Docket No. CP99GL0011
DMS No. 1999-5805¹

**ORDER GRANTING MOTION
TO MODIFY FAA ORDER NO. 2000-2**

In FAA Order No. 2000-2, the Administrator assessed a \$90,000 civil penalty against Respondent Ryan International Airlines, Inc. for multiple violations of the Hazardous Materials Regulations. In the Matter of Ryan International Airlines, Inc., FAA Order No. 2000-2 (February 3, 2000). Footnote 11, on the last page of the decision, stated as follows:

Unless Respondent files a petition for review with a Court of Appeals of the United States within 60 days of service of this decision (under 49 U.S.C. § 46110), this decision shall be considered an order assessing civil penalty. See 14 C.F.R. §§ 13.16(b)(4) and 13.233(j)(2) (1999).

Id., at 5. Complainant has petitioned for modification of the decision, arguing that footnote 11 is incorrect because 49 U.S.C. § 46110, which provides for review by a United States Court of Appeals, does not apply to cases brought under the Federal hazardous materials transportation statute.²

¹ Materials filed in the FAA Hearing Docket (except for materials filed in security cases) are also available for viewing through the Department of Transportation's Docket Management System (DMS). Access may be obtained through the following Internet address: <http://dms.dot.gov>. For additional information, see 65 Fed. Reg. 1654, 1671 (January 11, 2000).

² 49 U.S.C. §§ 5101-5127.

Complainant's petition for modification is granted. According to 49 U.S.C. § 46301(g), an order imposing a civil penalty may be reviewed judicially only under 49 U.S.C. § 46110. However, 49 U.S.C. § 46110 specifies that it applies only to orders issued under Title 49, Subtitle VII, Part A (entitled "Air Commerce and Safety"). Complainant did not bring this civil penalty action under Title 49, Subtitle VII, Part A, but instead brought this action under 49 U.S.C. § 5123. Hence, as Complainant argues in its petition for modification, 49 U.S.C. § 46110 does not apply in this matter, and as a result, footnote 11's description of appeal rights was incorrect. See In the Matter of Carr, FAA Order No. 1998-8 (May 4, 1998) and In the Matter of Midtown Neon Sign Corporation, FAA Order No. 1997-1 (January 8, 1997).

Consequently, it is ordered that footnote 11 of FAA Order No. 2000-2 at 5 be deleted.

JANE F. GARVEY, ADMINISTRATOR
Federal Aviation Administration



VICKI S. LEEMON³
Manager, Adjudication Branch

Issued this 28th day of February, 2000.

³ Issued under authority delegated to the Chief Counsel and the Assistant Chief Counsel for Litigation by Memorandum dated October 27, 1992, under 49 U.S.C. § 322(b) and 14 C.F.R. § 13.202 (see 57 Fed. Reg. 58,280 (1992)) and redelegated by the Assistant Chief Counsel for Litigation to the Manager, Adjudication Branch, by Memorandum dated August 6, 1993.